

National Republican Party, members of Congress, and other allies contain more than 250 citations to reports of election problems.

- **Not one of the citations offered by Indiana or its allies refers to a proven example of a single vote cast at the polls in someone else's name that could be stopped by a photo ID rule.**
- Out of 400 million general election votes cast from 2000-2006, the briefs cite one attempt at impersonation that was thwarted without a photo ID requirement, and nine cases where impersonation fraud at the polls was suspected but not proven – that might been due to clerical error. Not one of these cases occurred in Indiana.

http://brennan.3cdn.net/45b89e6d14859b0f8e_i2m6bhcv9.pdf

Justin Leavitt, Brennan Center for Justice, NYU Law School, 12-31-2007

**Photo Voter ID is a Partisan GOP Power Grab
Facts, Their Words, and Nonpartisan and Editorial Opposition Show
GOP Intent**

The Voter ID fight is an unwarranted partisan power grab, and not just another “he said, she said” fight between political parties. Voter ID legislation is part of a nationwide effort spearheaded by partisan Republicans to pass restrictive voting laws on a state-by-state basis.

The GOP power grab pits Republicans against nonpartisan organizations and the weight of numerous academic and bipartisan studies that show voter impersonation – the only thing a photo ID law would address - is a problem that doesn't exist. **However, those studies do indicate that Voter ID proposals suppressing** participation by seniors, renters, the poor, and people of color – all groups that tend to vote for Democrats.

- **“No doubt most people who don’t have photo ID are low on the economic ladder and thus, if they do vote, are more likely to vote for Democratic than Republican candidates. Thus the new law injures the Democratic Party by compelling the party to devote resources to getting to the polls those of its supporters who would otherwise be discouraged by the new law from bothering to vote.”** Federal Appellate Judge Posner, in his opinion (MARION COUNTY ELECTION BOARD, *et al.*) upholding the Indiana photo ID law.

The partisan motivation for the GOP power grab is clear in the findings of a 2007 study prepared by researchers from the University of Washington, UC-Irvine and the University of New Mexico: Voter ID Requirements and the Disenfranchisement of Latino, Black, and Asian Voters (Matt A. Barreto, Stephen A. Nuno, Gabriel R. Sanchez)

- Voters with access to multiple forms of ID who would remain largely unaffected by strict ID laws are 3% to 5% more likely to vote Republican. **In jurisdictions with Voter ID Requirements, competitive elections and close outcomes, this could easily change the final vote results in favor of Republican candidates.**
- For example, among the 32 House seats that changed hands from Republican to Democratic control in 2006, our data suggest that **12 of these outcomes would have been reversed under strict voter ID regimes**, with an additional 6 elections being too close to call and headed for recounts.

- **In addition, Democratic victories in the U.S. Senate in Montana, Virginia and Missouri would have been reversed.**
- Registered voters are significantly less likely to possess a driver's license if they are from minority groups, especially blacks and Hispanics, and if they are older. And voters without a valid driver's license or state identification card are more likely to vote in the Democratic primaries, **lending support to the contention that a photo ID requirement would more likely impact Democratic partisans.**

Evidence of a Partisan GOP Push for Photo ID

- A study of the 2004 presidential election prepared by Rutgers and Ohio State Universities for the Federal Election Assistance Commission showed that states with voter I.D. laws experienced turnout reduction of 3% overall, a figure that reached 5.7% among African Americans and 10% among Hispanics. **After the EAC report was released "unofficially," it was suppressed by administration appointees for partisan reasons.**
- The Department of Justice staff recommended a federal Voting Rights objection be filed against a Georgia Voter ID bill that was ruled unconstitutional, but political appointees at DOJ overruled them, just as they did in the infamous Texas re-redistricting case.
- **Virtually all the legislative votes and judicial decisions on photo ID laws have split along near-absolute partisan lines.**
- Royal Masset, the former political director for the Republican Party of Texas, concisely tied all of these strands together in a **May 17, 2007 *Houston Chronicle*** article. Masset connected the inflated furor over voter fraud to photo identification laws and their expected impact on legitimate voters: **Among Republicans it is an "article of religious faith that voter fraud is causing us to lose elections," Masset said.** He doesn't agree with that, but **he does believe that requiring photo IDs could cause enough of a drop off in legitimate Democratic voting to add 3% to the Republican vote.**

From the *Atlanta Journal Constitution*, Sunday, October 05, 2008

http://www.ajc.com/opinion/content/opinion/tucker/stories/2008/10/05/tucker_d_1005.html

Karl Rove and his minions also know this: In close races, shaving off 1 or 2 percentage points is all you need to claim victory.

A recently unearthed e-mail from a Republican strategist in New Mexico shows the unbridled cynicism that underlies claims about fraudulent voting. Patrick Rogers, former lawyer for the New Mexico Republican Party, was among the party hacks pushing for criminal investigations into alleged voter fraud, hoping that the threat of legal sanctions would intimidate Democrats and aid Republicans, including U.S. Rep. Heather Wilson (R-N.M.), who was in a tight race for re-election. According to a new report from the U.S. Justice Department's inspector general, Rogers wrote in September 2004:

"I believe the [voter] ID issue should be used at all levels — federal, state legislative races and Heather's race. ... You are not going to find a better wedge issue. ... This is the single best wedge issue, ever in [New Mexico]."

That's why New Mexico Republicans were furious when David Iglesias, then U.S. attorney in Albuquerque, refused to prosecute community organizers and ordinary citizens over spurious claims of voter fraud. **They were so angry that they succeeded in getting Iglesias fired, part of a punitive campaign against prosecutors who wouldn't play partisan games with the law.**

Dubious Hidalgo Co. Voter Fraud Allegations Raise Suspicion

Background: On March 4, 2009, less than a week before consideration of a controversial Voter photo ID by the Senate Committee of the Whole, a response by the Secretary of State's office to a Open Records Request revealed documents containing some highly questionable allegations of voter fraud, voter intimidation, and voter impersonation allegedly committed in May 2008 and November 2008 the small Hidalgo County community of Progreso.

Suspicious Allegations and Circumstances

- The documents which surfaced are deeply suspicious. Different people at different times use similar words and style in affidavits notarized months apart by the same notary.
- The allegations focus on the father of the mayor of Progreso and his allies, and involve rather outrageous claims about what was done to secure a single vote.
- The allegations include claims that election workers intimidated voters and denied more voters the right to vote than the number of individuals who allegedly impersonated a voter.
- If election officials themselves are cheating, neither a photo ID nor a DNA test would stop them, but current law is sufficient to prosecute any wrongdoers now that the allegations have finally surfaced.

Why Haven't These Allegations Been Investigated By Now – and Why Weren't They Provided By the Attorney General in Response to Two Legislative Requests?

- As long ago as August 19, 2008, the Secretary of State and the Attorney General were aware of documents alleging fraud in the May, 2008 local elections for months, but never forwarded them to the Hidalgo county District Attorney or even notified him of their existence.
- The Attorney General also failed to provide these documents in response to an official request made in September of 2008 by Rep. Rafael Anchia for all referrals of Election Code violations as part of his work for the House Committee on Elections. In February, 2009,

the A.G. failed to provide these same documents in response to a similar request from Senator Kirk Watson.

- The Attorney General says his office is conducting an ongoing investigation, but claims the case was mistakenly filed under “Dickens Co.,” which does not explain why he failed not once but twice to provide documents from *all* referrals *anywhere in Texas* about Election Code violations requested by legislators, and never forwarded the information to the local D.A.
- In the months these documents were available, did the Attorney General’s contact officials in Dickens County, which is 600 miles from Hidalgo County?
- Were these suspicious documents deliberately withheld so they could be used at “the right time” as a surprise public relations stunt to support a Voter ID bill in a campaign to pass a law that would disenfranchise Texas voters?

Dubious Allegations Typify Rare, Isolated Voter Fraud Claims That Don’t Require Voter ID Law

- Voter Impersonation at the polls – the only type of fraud that could be addressed by a Voter ID law – is rare and almost non-existent. Despite spending millions on a 2005-2006 Voter Fraud crusade, the Attorney General did not prosecute one case of Voter Impersonation. The Bush Justice Department netted only 86 prosecutions nationwide from 2001-2006, out of millions and millions of votes cast.
- The Hidalgo County charges are typical of these rare allegations: they are isolated cases involving local officials that do not indicate anything remotely resembling systematic, widespread fraud. Cases such as these can be prosecuted under current law, absent a Voter photo ID law that would disenfranchise many voters.
- Hidalgo County D.A. Rene Guerra says that if there is a legitimate problem, such irregularities usually occur in non-partisan local elections of small governmental entities such as school districts, water districts, and municipalities, some of which decline to contract the

administration of their elections to the county election administrator's office. He says that if he were to recommend an amendment to the Election Code, it would not be to increase the burdens placed on honest voters attempting to cast their ballots, but instead to further professionalize the administration of elections by requiring small governmental entities to contract with their county's elections administrator, instead of administering those elections themselves.

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**The Effect of Voter ID Laws at the Polls:
Confusion and Votes that Will Not Be Counted**

"A photo ID law would make voting harder and more confusing for everyone by placing new bureaucratic barriers between the voter and the ballot box."

- **New ID requirements for every voter** would cause confusion and **long lines at the polls** as election judges verify additional ID, even for people who have voted in their communities for years with a valid voter registration card.
- Many voters could be denied regular ballots because information on a photo ID may appear different from the address where a person is legitimately registered to vote, even though a photo ID should not be used for any purpose but "recognition." **As a matter of law supported by a Secretary of State opinion issued in 2004, the photo ID does not determine residency for voting.**
- **A legitimate voter could be denied the right to cast a regular ballot because a photo on a photo ID may not look like that same person on Election Day.** For example, it is possible to keep the same driver's license photo for as long as 12 years, and people change appearance.
- **Confusion about conflicting addresses on photo ID's and voter registration cards could cause many voters to be denied a regular ballot** even if they have a valid voter registration card for the precinct where they live.
- **Women, the elderly, renters, college students and newly registered voters are less likely to have additional ID that matches information on the voting rolls, and many don't change the address or photo on a photo ID until renewal.** Examples include: a student's driver's license with a school address; a newlywed or divorcee who has changed her name on a driver's license or voter registration but not the other; a person who has moved and has different addresses on a photo ID than the poll list

- Elderly voters already have enough difficulty getting to the polls, and they could be denied the right to vote a regular ballot when they show up at the polls with only a valid voter registration card - like they always have. **These elderly voters, many of whom don't drive and are less likely to have photo ID,** would be offered a provisional ballot that may not be counted unless they went through the added difficulty of going home for necessary ID then returning to vote
- **Many election officials are already confused about voter ID requirements,** and could improperly demand by a photo ID (as some already do improperly without a photo ID law) even if presented other acceptable forms of non-photo ID – again forcing eligible voters to cast provisional ballots.

Fast Facts on the Impact of Photo ID: The Data

By Justin Levitt, Brennan Center for Justice, April 2008

<http://www.brennancenter.org/page/-/Democracy/%20ID-related%20stats.pdf>

The following is an excellent summary of facts from a number of studies on Photo ID

We now know that Indiana's law has actually disenfranchised real citizens. In contrast, no party or *amicus* cited even one case of impersonation at the polls in Indiana to the Supreme Court. In fact, more real Hoosiers have been disenfranchised by the law in the last two years than the number of reported cases of impersonation at the polls cited to the Supreme Court — from anywhere in the country — in the last two decades.

Actual elections

- For example, in limited-turnout local elections in one Indiana county (Marion) in 2007, 32 voters cast ballots that could not be counted because of the voter ID law. Moreover, these were long-time voters: 14 of them had previously voted in at least 10 elections.
- Similarly, in limited turnout local elections in 2007 in Georgia — the only other state that requires photo ID at the polls to vote a valid ballot — 33 voters' ballots were rejected because of the ID law. In the 2008 presidential primary, the number grew to hundreds. It is impossible to know how many other voters without ID came to the polls but did not cast provisional ballots (which wouldn't have counted anyway), or how many declined to make the trip to the polls in the first place (which would have been futile).

Surveys of registered voters

- Researchers have also surveyed voters to assess the impact of photo ID laws on the electorate. A 2007 academic study found that **13.3%** of registered Indiana voters ($\pm 3.1\%$) did not have a current government-issued photo ID card. The same study found that:
 - 18.1% of black registered voters (compared to 11.5% of white voters)
 - 20.3% of registered voters 18-34 (compared to 9.4% of voters 55-69)

- 16.4% of registered voters over 69 (compared to 9.4% of voters 55-69)
 - 16.7% of voters without a college degree (compared to 7.9% of voters with a degree)
 - 17.5% of voters earning < \$40,000/ year (compared to 11-12% of others)
- in Indiana did not have a current government-issued photo ID card. All of these differences were statistically significant.

• These same academic researchers also conducted an exit poll study based on the 2006 elections in three counties in California, New Mexico, and Washington. Surveying actual midterm voters, the researchers found that **12%** of actual voters reported that they did not

have a valid state driver's license. The same study found that:

- Nonwhite voters were 9.8% less likely to have a valid license than white voters
- Voters over 65 were 8.1% less likely to have a valid license than younger voters
- Voters with no high school diploma were 5.6% less likely to have a valid license than voters with a graduate degree, and
- Voters making less than \$20,000 per year were 4.0% less likely to have a driver's license than voters making more than \$100,000.

• In 2008, the Executive Director of the Carter-Baker Commission released a study of registered voters in Indiana, Maryland, and Mississippi. The study found that 1.2% of registered voters had no government-issued photo ID, but did not ask if the ID was current. Even this modest result amounts to an impact reaching more than **two million** registered voters if applied nationwide. The same study found that 2.2% of black registered voters (compared to 0.9% of white voters) lacked government-issued photo ID, though that difference was not statistically significant, due to small sample size.

Surveys of eligible voters

- Researchers have also surveyed eligible voters, including registered and non-registered

voting age citizens. A 2006 national survey by an independent survey firm, and sponsored by the Brennan Center, found that **11%** of voting-age citizens ($\pm 2\%$) did not have current government-issued photo ID. The same study found that:

- 18% of citizens 65 and above
 - 25% of black voting-age citizens (compared to 8% of white citizens)
 - 16% of Hispanic voting-age citizens (compared to 8% of white citizens)
 - 20% of nonwhite voting-age citizens (compared to 8% of white citizens), and
 - 15% of citizens earning < \$35,000/year (compared to 7% of others)
- did not have a current government-issued photo ID card. All of these differences, except for the Hispanic citizens alone, were statistically significant.

- The 2007 academic study of Hoosiers was cited above with respect to registered voters, but it also surveyed voting-age citizens in Indiana, both registered and not. That study found that approximately **16.1%** of voting-age Indiana citizens did not have a current government-issued photo ID card.¹¹ That same study found that 26.6% of black voting-age citizens had no current government-issued photo ID card, compared to 13.6% of white voting-age citizens.

Estimates using government records

- Private researchers and government entities have tried to quantify the number of their voting-age citizens without government-issued photo ID, usually by comparing census tabulations to motor vehicle records. The 2005 Carter-Baker Commission, for example, estimated that **12%** of voting-age Americans do not have a driver's license.¹² Research collected by its predecessor, the 2001 Carter-Ford Commission, showed that 5-10% of voting-age Americans had neither driver's licenses nor other state-issued photo ID.

- A 2005 study by researchers at the University of Wisconsin-Milwaukee estimated that approximately **20%** of Wisconsin voting-age residents did not have a driver's license or state-issued photo ID. The same study also found that, of Wisconsin residents:
 - 23% of residents 65 and above

- 52% of nonwhite residents 18+ (compared to 17% of white residents)
 - 78% of black men 18-24 (compared to 36% of white men 18-24)
 - 63% of Hispanic women 18-24 (compared to 25% of white women 18-24)
- did not have a driver's license or state-issued photo ID.

- The Georgia chapter of the AARP has estimated that about 153,000 Georgians older than 60 who voted in 2004 do not have government-issued photo ID. It has also estimated that 36 percent of Georgians over age 75 do not have a driver's license.

- Several states have also tried to quantify the number of their registered voters without photo ID, usually by comparing registration lists to motor vehicle records. Such methods have been critiqued, particularly when either motor vehicle records or registration lists are substantially outdated, reflecting individuals who have died or moved out of state.

- In 2006, the Michigan Secretary of State estimated that about 370,000 (5%) of the

state's registered voters had no driver's license or state-issued photo ID.¹⁶

- The Missouri Department of Revenue estimated that 169,215 registered Missouri

voters did not have the required photo ID in that state; the Secretary of State estimated that approximately 240,000 registered voters did not have the right ID.¹⁷

- In Georgia, estimates have ranged from 198,000 registered voters to 676,246

registered voters without driver's licenses or state-issued photo ID, but both estimates have been heavily criticized.

Studies of turnout

- Another set of studies tries to estimate the impact of restrictive ID laws on voter turnout, by analyzing past voting patterns and trying to extrapolate the degree of change in any given election based on the ID laws. These studies' methods vary, and there are substantial differences in the results, and substantial disputes about the validity of each approach. Only a few studies analyze data from 2006, the first federal election in which a photo identification law was actually in place.²⁰ Moreover, even these studies are constrained by the limited pool of data, because only a few elections have taken place under the new restrictive laws.

Studies of voter attitudes

- On the other side of the coin, some seek to justify restrictive ID laws, despite their demonstrated impact on American citizens, by claiming that they will increase public confidence in the election process. A careful new study, forthcoming in the *Harvard Law Review*, casts serious doubt on the validity of such assertions. The data show no support for the notion that requiring identification will increase voter confidence; the study found no statistically significant correlation between the rate at which citizens were asked to produce photo ID and their perception that either voter fraud generally, or voter impersonation in particular, exists. That is, there appears to be no empirical confirmation thus far that photo ID laws make citizens feel more secure about their elections.

Voter ID Facts: Unsubstantiated, Exaggerated Voter Fraud Claims Drive GOP Voter Photo ID Agenda

“The Voter Fraud phantom drives policy that disenfranchises legitimate voters without a corresponding policy benefit.”

Voter ID supporters often make exaggerated claims that thousands of dead people or non-citizens are on voter rolls, raising the specter of massive voter fraud. However, without exception, these claims have proven inaccurate when thoroughly examined.

GOP Sees Dead People Voting, but They Aren't

- Just before the 2008 election, a so-called watchdog group - “Texas Watchdog” - claimed “6,000 dead people could vote,” but an investigation by the Dallas County Elections Office and the *Dallas Morning News* found no voter fraud and found that **none of the 48 “possible cases” later identified by Texas Watchdog involved a dead person.** Instead, most of these cases involved clerical or technical errors where a worker marked the wrong name in a poll list or coded voter rolls incorrectly. (Source: *Dallas Morning News*, 12-13-08)
- Similar claims about dead people voting were made in Georgia, 5,412 votes were alleged to have been cast by deceased voters over the past 20; in New Jersey in 2004, where 4,755 deceased voters were alleged to have cast a ballot; and in New York in 2002 and 2004, where 2,600 deceased voters were alleged to have cast a ballot. **In each of these cases, follow up investigations again found that flawed matches of voter rolls to death lists, as well as clerical errors, were the culprit, and found no fraud.** (Source: www.truthaboutfraud.org, Brennan Center for Justice).

GOP Sees Non-citizens Risking Deportation to Vote, But They Aren't

- **Former Harris County Tax Assessor Collector Paul Bettencourt** made claims in the past that as many as 3,000 non-citizens may be registered to vote in Harris County, citing anecdotal information involving things like individuals who used “non-citizenship” as an excuse to get out of jury service. However, in the “evidence”

Bettencourt provided to the **Texas House Elections Committee**, he produced a list of only 22 “non-citizens” who may have voted from 2004-2007. Of those the committee was able to contact, **only one non-citizen actually voted in a local school bond election. Other individuals turned out to be citizens, and some were registered by error in Bettencourt’s office even though they checked “non-citizen” on their application.**

- **A “major” Department of Justice initiative resulted in just 14 convictions of non-citizen voters nationwide from 2002 to 2005 - less than 5 non-citizens voters a year.**
- Investigations of similar allegations of non-citizen voting in Washington, Wisconsin, Hawaii, and California found that only a handful, *if any*, of the alleged ineligible voters were actually non-citizen. Many of the alleged cases involved inaccurate database matching with voter rolls or other clerical errors, and others involved eligible, newly-naturalized citizens voting legally. (Source: www.truthaboutfraud.org, Brennan Center for Justice).

Related Newspaper Coverage

- It made for a tantalizing news story: Thousands of people who cast votes in the 2004 presidential election in New Jersey were actually dead. Newspapers wrote articles with grabber headlines like “GOP Sees Dead People.” **Except that a more careful analysis of the allegations found flaws in the match between the voting rolls and death lists, and none of the claims was ever substantiated.** And yet lurid tales of massive fraud continue. **It’s enough to make a citizen wonder if what is going on is really voter suppression.** (*Boston Globe* editorial, 12-13-07)
- **“Colyandro was not able to provide a specific number of illegal immigrants who had voted in Texas, but he cited anecdotal evidence that suggested the number is large.”** (*Nacogdoches Daily Sentinel*, 9-14-07, in an article about an appearance by Texas Conservative Coalition Director, John Colyandro, who remains under indictment in the Tom DeLay money laundering case)

- <http://www.nytimes.com/2007/04/12/washington/12fraud.html?hp>

WASHINGTON, April 11 (2007) — **Five years after the Bush administration began a crackdown on voter fraud, the Justice Department has turned up virtually no evidence of any organized effort to skew federal elections**, according to court records and interviews.

Although Republican activists have repeatedly said fraud is so widespread that it has corrupted the political process and, possibly, cost the party election victories, about 120 people have been charged and 86 convicted as of last year.

Most of those charged have been Democrats, voting records show. Many of those charged by the Justice Department appear to have mistakenly filled out registration forms or misunderstood eligibility rules, a review of court records and interviews with prosecutors and defense lawyers show.

Texas Editorials Oppose Voter ID in 2009, Just as They Did in 2007

- ‘In practice, no one has ever shown that Texas has even a minor problem with ineligible voters casting ballots. Before they vote they have to register, and at registration they have to present identification. And voter fraud already is illegal. But in Texas and other states, some Republicans hope voter ID bills help suppress Democratic voting.’
***Austin American Statesman* editorial, 1-15-09**
- “So far, we don't like what we see. In this case, dropping the two-thirds vote would clear the way for the Senate to consider incendiary, unnecessary legislation that would require voters to present a photo ID before casting a vote.” ***Dallas Morning News* editorial, 1-15-09**
- Just when it appeared that the Texas Legislature was putting partisan politics behind it..., GOP state senators spoiled the session kickoff last week with a bare-knuckled power play. The GOP touts voter ID as a preventative for Election Day voter fraud; Democrats counter that impersonation of registered voters at the polls is rare and has not been documented in significant numbers. Several studies have shown that such laws discourage turnout among the elderly, the poor, Hispanics and blacks, groups who tend to vote Democratic and have less access to picture identification.” **“Cheap Shot”...*Houston Chronicle* editorial, 1-17-09**
- “Republicans still control the Texas Senate, but demographic trends could change that in coming elections. In part, that's why this week's move to circumvent the traditional two-thirds rule for legislation requiring voters to have government photo identification was such a bad move.” ***San Antonio Express News* editorial, 1-16-09**
- “the voter ID bill...is, at best, a needless diversion when lawmakers must stay focused on issues like our children's education, the roads we drive and how state government can make do with less. The real reason some Republicans want a voter ID: If mandated, it might well discourage poor, aged and minority voters — a conclusion drawn partially by the non-partisan League of Women Voters.” ***Waco Tribune Herald* editorial, 1-16-09**

- **“Where's the problem? Supreme Court ruling a green light for partisan efforts masquerading as vote fraud prevention.** There's a reason why Republican-controlled legislatures are enacting voter ID laws: The voters most likely to be without the required identification are the poor and the elderly, prime Democratic Party constituents whose turnout rate is lower than average to begin with.” *Houston Chronicle* editorial, 4-29-08
- This bill (voter ID), if it passes the Senate and becomes law, would take Texas back to the bad old days of poll taxes and literacy tests. It's a voter suppression bill, pure and simple.” *Austin American Statesman*, 4-26-07
- “Not only is the legislation (Voter ID) unjustified, if enacted it could disenfranchise large numbers of the elderly, the poor and minorities.” *Houston Chronicle*, 4-26-07
- “...absent any evidence of serious security breaches at the polls, access to the voting booth needs to remain as unimpeded as it is today. The state Senate would be wise to stop this bad idea.” *Dallas Morning News* April 25, 2007
- “The architects of this idea, pitched as a noble effort to prevent voter fraud, cannot be allowed to succeed with what is surely one of the greatest assaults on the right to vote in this state since passage of the federal Voting Rights Act in 1965.” *Fort Worth Star-Telegram*, 4-23-07
- “When asked for evidence that the problem is rampant in this great and vast state, partisans who cry ‘voter fraud’ are strangely silent.” *Waco Tribune*, 4-25-07
- “Putting more procedural hurdles in the way of voters is precisely what the doctor did not order. In fact, it conjures up memories of the old poll-tax days, when the system actively discouraged voting by all but the “right” groups.” *Corpus Christi Caller-Times*, 4-25-07

Voter ID: Women, Students Less Likely to Have Photo ID Address and Name Changes, Polling Place Enforcement and Barriers to Obtaining ID Create Additional Problems

Who Doesn't Have an ID?

- Eleven percent of Americans surveyed by the Brennan Center for Justice do not have government-issued photo ID, such as driver's licenses or state-issued non-driver's photo ID. According to U.S. Census data, that amounts to **greater than 21 million citizens**. (Source: Citizens Without Proof, A Survey of Americans Possession of Documentary Proof of Citizenship and Photo Documentation, Brennan Center for Justice, New York School of Law, November 2006.)
- Those without photo ID are disproportionately the elderly, **students, women, people with disabilities**, low income people and people of color. According to disability advocates, **nearly 10% of the 40 million Americans with disabilities do not have any state-issued photo ID**. (Source: *Center for Policy Alternatives*)

Women Less Likely to Have Photo ID

In addition to the data presented below, there is ample anecdotal evidence that suggests factors like name changes related to marriage and divorce, among other factors that make it less likely a woman will have a current name and address on a photo ID that matches the name and address on the voter list. **Of all Americans without a license:**

- **Women are more than twice as likely as men not to have a drivers' license.**
- **One of every five senior women does not have a license.**
- **Over 70% are women.**

(Source: US Census Bureau Detailed Tables. "Sex by Age Total Population." July 24, 2006. Federal Highway Administration. "Licensed drivers, by State, sex, and age group." July 24, 2006)

Effect of Address Changes and Photo ID That Doesn't Match Voter's Current Address Impacts Students, Lower Income Americans

Even among those citizens who do have driver's licenses, a substantial percentage does not show their current address.

- The US Census reports that Americans have an annual mobility rate of 14%. Hispanics and Blacks have an annual mobility rate of 18%, while those with incomes below the poverty level are almost twice as likely to move (24%) as those with incomes above the poverty level (13%). (Source: US Census Bureau. American Communities Survey 2004 Subject Tables: Geographic Mobility by Selected Characteristics. July 24, 2006).
- If an ID card such as a driver's license does not contain the voter's current address, he or she is likely to be turned away from the polls. **In Wisconsin, for example, 97% of all students do not have their current address on their photo ID**. (Source: Pawasarat, John. "The Driver License Status of the Voting Age Population in Wisconsin." Employment and Training Institute, University of Wisconsin - Milwaukee: June 2005. May 10, 2006)

Polling Place Enforcement Not Fair and Unbiased

Even if they have valid ID, many eligible voters will be turned away.

- Voter ID requirements place an inordinate amount of discretion in the hands of overworked poll workers. **State election systems are underfunded, and do not have the resources to adequately train poll workers.**
- Most Voter ID laws do not explain how disputes over the validity of an ID card should be handled, and **that can easily open the door to widespread racial and ethnic discrimination at polling places.**
- Even under the more lenient requirements of the Help America Vote Act, ID provisions are often implemented in a discriminatory way. **According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID at the polls - in states where no ID was required.** In New York City, where there is no ID requirement, a study showed that 1 in 6 Asian Americans were asked for ID, while white Americans in the same study were not asked for ID. (Source: Brennan Center for Justice at New York University School of Law, "Voter Identification")

The 2009 Poll Tax: When the State pays for the ID, It's Still Not Free

Costs can be a significant barrier to obtaining a photo ID. Even when the ID itself is free, there are substantial hidden costs

- For those least likely to have photo ID, consider the cost of transportation to various agencies, fees related to acquiring supporting documents like birth certificates, and lost wages while visiting agencies during office hours.
- Support for free ID programs is subject to the mercy of the appropriations process
- There is a cost for birth certificates and other documents necessary to obtain photo ID.

Enforcing a Voter ID Law at the Polls: Potential for Discrimination, Abuse, Confusion and Long Lines

The proposed SB362 does not explain how disputes over the validity of an ID card should be handled, and **that can easily open the door to widespread discrimination at polling places.** New Voter ID requirements would be enforced by thousands of \$7 an hour poll workers, many of whom are poorly trained. Academic studies show that individual poll workers apply the law differently, which makes the application of a Voter ID law subject to discrimination, abuse and confusion.

Academic Studies on “Street Level Enforcement” Show Potential for Discrimination

- A 15 state study of elections in 2007 and the 2008 Super Tuesday Primary conducted by academicians from CalTech, MIT, Harvard and the University of Utah, found that **African-American voters were 14% points more likely to be asked for photo ID than whites – a consistent finding in all states, regardless of their ID requirements. Hispanics were 18% more likely than Whites to be asked for photo ID in states with the minimal HAVA requirements.** These results suggest a significant disparity in the experience of voters, depending on their race.
- The same study also showed a wide disparity in enforcement of Voter ID laws on a regional basis and between individual states, finding that **“many voters may be facing *de facto* voter identification requirements that are contrary to state law — either being required to show one when it isn’t required, or being given a free pass when it is required.”**

<http://web.mit.edu/cstewart/www/papers/performance.pdf>

- A study of the 2006 and 2008 elections by Stephen Ansolabehere of *Harvard University* show considerable racial differences in the application of Voter ID laws. **In the 2006 general election, 47% of white voters reported being asked to show photo ID at the polls, compared with 54% of Hispanics and 55% of African Americans. In the 2008 Super Tuesday primary states, 53% of whites were asked to show photo ID, compared with 58% of Hispanics and a staggering 73% of African Americans.** These racial differences persisted upon holding constant income, education, political party, age, region, state laws, and other factors.
- Quoting Dr. Ansolabehere: “These surveys provide the first individual-level data that poll workers commonly ask voters for photo identification, even in places where they are not allowed to. **The data further show that poll workers do not administer this procedure fairly or without regard to race, which raises the important possibility that in practice voter identification procedures violate the Voting Rights Act.**”

- A CalTech/MIT study of New Mexico's new Voter ID law found that Hispanic men are much more likely to be required to show ID than other voters, and concluded: **"On some level discrimination at the polls is occurring, even if only in an unbalanced application of the voter identification law.** If poll workers are using surname as a cue to ask for voter identification, this may suggest that poll workers are more suspicious of Hispanics and men in particular of committing voter fraud. **If Hispanics, men or Hispanic men are cued into this subtle and quasi-legal form of discrimination, it may deter them from going to the polls, especially if they lack proper identification or are unclear about their voting rights."**

http://vote.caltech.edu/drupal/files/working_paper/vtp_wp59.pdf

- **According to the nation's largest nonpartisan exit poll of Asian Americans, nearly 70% of Asian voters were asked for ID at the polls - in states where no ID was required.** In New York City, where there is no ID requirement, a study showed that 1 in 6 Asian Americans were asked for ID, while white Americans in the same study were not asked for ID. (Source: Brennan Center for Justice at NYU School of Law, "Voter Identification")

Voters Could Be Denied By Address Matches, Name Changes and Mobility

Some election workers would attempt - as some already do - to use information from the photo ID that shows a different address or a different name due to marriage or divorce, to improperly deny eligibility to vote for those whose ID information did not match the information on the voter card and voter rolls, **even though residency for voting purposes can not be determined by a photo ID, according to a 2004 opinion from the Secretary of State.**

- **Women, the elderly, college students and those who have recently moved (especially more mobile lower income renters) are less likely to have additional ID that matches information on the voting rolls, and many don't change the address or photo on a photo ID until it's up for renewal.**
- Due to factors like name changes related to marriage and divorce, women are more likely to have a different name on a photo ID than the name on the voter list.
- If an ID card such as a driver's license does not contain the voter's current address, he or she is likely to be turned away from the polls. **In Wisconsin, for example, 97% of all students do not have their current address on their photo ID.** (Source: Pawasarat, John. "The Driver License Status of the Voting Age Population in Wisconsin," University of Wisconsin - Milwaukee: June 2005. May 10, 2006).
- Even among those citizens who have driver's licenses, a substantial percentage does not show their current address. Americans have an annual mobility rate of 14%. Hispanics and Blacks have an annual mobility rate of 18%, while those with incomes below the poverty level are almost twice as likely to move (24%) as

those with incomes above the poverty level (13%). (Source: US Census Bureau. American Communities Survey 2004 Subject Tables: Geographic Mobility by Selected Characteristics. July 24, 2006).

- Examples include: a student's driver's license with a school address; a newlywed or divorcee who has changed her name on a driver's license or voter registration but not the other; a person who has moved and has different addresses on a photo ID than the poll list

Voter Denied Because "Photo Doesn't Look Like You"

- In Texas, a driver's license is only renewed every six years, and a good driver can keep the same photo for 12 years with one "automatic" renewal. **After 11 or 12 years, a voter may not look like his or her picture on the photo ID, and that legitimate voter could be denied the right to cast a regular ballot by improper "enforcement" of a Voter ID law by a poll worker.**

Confusion and Long Lines at the Polls

- **Confusion related to Voter ID enforcement at the polling place could cause many voters to be denied a regular ballot** even if they are eligible to vote at the same polling place where they have voted for years.
- Confusion could also lead to **long lines at the polls** as election judges verify additional ID, and those lines could discourage participation.
- Elderly voters already have enough difficulty getting to the polls, and they could be denied the right to vote a regular ballot when they show up at the polls with only a valid voter registration card - like they always have. **These elderly voters, many of whom don't drive and are less likely to have photo ID,** would be offered a provisional ballot that may not be counted unless they went through the added difficulty of going home for necessary ID then returning to vote